

SENATE ADOPTED MEASURES (passed November 29, 2012)
Rob Kamenec

<u>SENATE BILL 1115</u>	<u>MCL 600.</u>
(1) Loss of society and companionship specifically delineated as "noneconomic loss" under the damages cap	MCL 600.1483
(2) Reduction of gross future damages to present value to be calculated by use of a <u>compound</u> methodology (<i>statute presently silent and M.S.Ct has interpreted as <u>simple</u> reduction (<u>Nation v WDE</u>)</i>)	MCL 600.6306 and MCL 600.6306A
(3) Allocation of cap amount in judgment between past and future damages – use ratio of past to future noneconomic damages found by the jury; <i>Example: \$500,000 gross past noneconomic, \$500,000 gross future noneconomic: 50% of cap to past, 50% cap to future noneconomic (\$424,800 - \$212400)</i> Used for calculating prejudgment interest – past damages only	MCL 600.6306
(4) Allocation of settlement set-offs in judgment between past and future damages – use ratio of past to future damages found by the jury (joint and several liability cases) <i>Example: Settlement of \$400,000: \$500,000 past, \$500,000 future; 50% of settlement amount deducted from past damages, 50% deducted from future damages</i>	MCL 600.6306

<u>SENATE BILL 1117</u>	
(7) Medical malpractice actions include claims against health professional <i>"engaging in or otherwise assisting in medical care and treatment" (i.e., unlicensed care professionals)</i> <i>Example: x-ray technician</i>	MCL 600.2912
(8) Active clinical practice requirement for admissible expert testimony applies to unlicensed health care professionals	MCL 600.2169
<u>SENATE BILL 1118</u>	
(9) AOMD due 91 days after AOM <u>served</u> on the defendant (now 91 days from date AOM <u>filed with the court</u>).	MCL 600.2912e
(10) <u>Eggleston</u> cure: 2 year period runs from date the letters of authority are issued to the <u>first</u> personal representative (not from each successor P.R.) <i>Exceptions: (1) P.R. dies; (2) P.R. judged "legally incapacitated."</i> In all cases, 3 year ceiling still applies.	MCL 600.5852 [If a person dies within the period of limitations, an action may be filed within 2years of date letters issued]
(11) In medical malpractice actions, no prejudgment interest on costs/attorney fees (<i>presently allowed, relating back to filing date even if atty fees and cost not yet incurred</i>)	MCL 600.6013